

TABLE 47.21—IDENTIFYING HAZARDOUS CHEMICALS—Continued

Category	Basis for determining if a chemical is hazardous
	<p>(2) If a mixture has not been tested as a whole to determine its hazards— (i) Use available, scientifically valid evidence to determine its physical hazard potential; (ii) Assume that it presents the same health hazard as a non-carcinogenic component that makes up 1% or more (by weight or volume) of the mixture; and (iii) Assume that it presents a carcinogenic health hazard if a component considered carcinogenic by NTP or IARC makes up 0.1% or more (by weight or volume) of the mixture.</p> <p>(3) If evidence indicates that a component could be released from a mixture in a concentration that could present a health risk to miners, assume that the mixture presents the same hazard.</p>

Subpart D—HazCom Program

§ 47.31 Requirement for a HazCom program.

Each operator must—

- (a) Develop and implement a written HazCom program,
- (b) Maintain it for as long as a hazardous chemical is known to be at the mine, and
- (c) Share relevant HazCom information with other on-site operators whose miners can be affected.

§ 47.32 HazCom program contents.

The HazCom program must include the following:

- (a) How this part is put into practice at the mine through the use of—
 - (1) Hazard determination,
 - (2) Labels and other forms of warning,
 - (3) Material safety data sheets (MSDSs), and
 - (4) Miner training.
- (b) A list or other record identifying all hazardous chemicals known to be at the mine. The list must—
 - (1) Use a chemical identity that permits cross-referencing between the list, a chemical's label, and its MSDS; and
 - (2) Be compiled for the whole mine or by individual work areas.
- (c) At mines with more than one operator, the methods for—
 - (1) Providing other operators with access to MSDSs, and
 - (2) Informing other operators about'
 - (i) Hazardous chemicals to which their miners can be exposed,
 - (ii) The labeling system on the containers of these chemicals, and
 - (iii) Appropriate protective measures.

Subpart E—Container Labels and Other Forms of Warning

§ 47.41 Requirement for container labels.

(a) The operator must ensure that each container of a hazardous chemical has a label. If a container is tagged or marked with the appropriate information, it is labeled.

(1) The operator must replace a container label immediately if it is missing or if the hazard information on the label is unreadable.

(2) The operator must not remove or deface existing labels on containers of hazardous chemicals.

(b) For each hazardous chemical produced at the mine, the operator must prepare a container label and update this label with any significant, new information about the chemical's hazards within 3 months of becoming aware of this information.

(c) For each hazardous chemical brought to the mine, the operator must replace an outdated label when a revised label is received from the chemical's manufacturer or supplier. The operator is not responsible for an inaccurate label obtained from the chemical's manufacturer or supplier.

§ 47.42 Label contents.

When an operator must make a label, the label must—

- (a) Be prominently displayed, legible, accurate, and in English;
- (b) Display appropriate hazard warnings;
- (c) Use a chemical identity that permits cross-referencing between the list of hazardous chemicals, a chemical's label, and its MSDS; and